

THE HONORABLE THERESA L. FRICKE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

Case No.: 3:17-cv-05806-TLF

DECLARATION OF JOAN K. MELL

I, Joan K. Mell, make the following statement under oath subject to the penalty of perjury pursuant to the laws of the United States and the State of Washington:

1. Attached is a true and correct copy of the following exhibit:
2. Exhibit 1: State's Complaint Filed in Pierce County Superior Court.

Dated this 16th day of October, 2017 at Fircrest, WA.

III Branches Law, PLLC

Joan K. Mell, WSBA #21319

Attorney for The Geo Group, Inc.

CERTIFICATE OF SERVICE

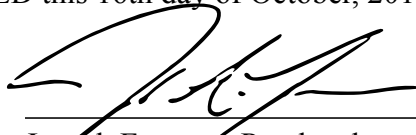
I, Joseph Fonseca, hereby certify as follows:

I am over the age of 18, a resident of Pierce County, and not a party to the above action. On October 16, 2017, I electronically filed the above Declaration of Joan K. Mell, with the Clerk of the Court using the CM/ECF system and served via Email to the following:

ATTORNEY NAME & ADDRESS	METHOD OF DELIVERY
Office of the Attorney General La Rond Baker, WSBA No. 43610 Marsha Chien, WSBA No. 47020 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 LaRondB@atg.wa.gov MarshaC@atg.wa.gov	■ CM/ECF E-Service ■ E-mail
Norton Rose Fulbright US LLP Charles A. Deacon(Pro Hac Vice To Be File) 300 Convent St. San Antonio, TX 78205 (210)-270-7133 charlie.deacon@nortonrosefulbright.com	
Norton Rose Fulbright US LLP Mark Emery (Pro Hac Vice To Be Filed) 799 9th St. NW, Suite 1000 Washington, DC 20001-4501 (202)-662-0210 mark.emery@nortonrosefulbright.com	

I certify under penalty of perjury under the laws of the State of Washington that the above information is true and correct.

DATED this 16th day of October, 2017 at Fircrest, Washington.



Joseph Fonseca, Paralegal

Exhibit 1

Complaint

September 20 2017 9:34 AM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-11422-2

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8 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
9 **FOR PIERCE COUNTY**

10 STATE OF WASHINGTON,

11 Plaintiff,

12 v.

13 THE GEO GROUP, INC.,

14 Defendant.

NO.

COMPLAINT

15 **I. INTRODUCTION**

16 **1.1** The State of Washington files this action against Defendant The GEO Group, Inc.
17 (“Defendant” or “GEO”) to enforce Washington’s minimum wage laws and to remedy the unjust
18 enrichment that results from Defendant’s long standing failure to adequately pay immigration
19 detainees for their work at the privately owned and operated Northwest Detention Center
20 (“NWDC”).

21 **1.2** The enforcement of minimum wage laws is of vital and imminent concern to the
22 people of Washington as the minimum wage laws protect Washington workers and create
23 employment opportunities.

24 **1.3** Each year Washington sets an hourly minimum wage, and employees protected by
25 Washington’s minimum wage laws must be paid at least the set hourly minimum wage.
26

1 **1.4** Defendant pays detainees \$1 per day for work they perform at NWDC. This is a
2 violation of Washington's minimum wage laws, and the practice of paying detainee workers \$1
3 per day has unjustly enriched Defendant.

4 PLAINTIFF, the State of Washington, for its causes of action against Defendant GEO,
5 alleges as follows:

6 **II. JURISDICTION AND VENUE**

7 **2.1** The Attorney General is authorized to commence this action pursuant to RCW
8 43.10.030(1).

9 **2.2** Subject matter jurisdiction is proper in this Court pursuant to RCW 2.08.010,
10 RCW 7.24.010, and RCW 7.24.020 because this is an action alleging state law violations and
11 seeking declaratory and injunctive relief.

12 **2.3** Jurisdiction and venue are proper in this Court pursuant to RCW 4.12.020 and
13 RCW 4.12.025 because work performed by detainees occurs at NWDC, which is located in Pierce
14 County, and because this matter arises from Defendant's business practices and transactions at
15 NWDC.

16 **III. PARTIES**

17 **PLAINTIFF STATE OF WASHINGTON**

18 **3.1** The Attorney General is the chief legal adviser to the State of Washington. The
19 Attorney General's powers and duties include bringing enforcement actions to ensure compliance
20 with Washington laws.

21 **3.2** The Washington State Department of Labor and Industries is a state agency
22 dedicated to the safety, health, and security of Washington's 2.5 million workers. The Department
23 of Labor and Industries enacts rules and operates enforcement programs that help ensure
24 compliance with the State's wage laws.

1 **3.3** Washington has a quasi-sovereign interest in protecting the health, safety, and
2 well-being of its residents which includes protecting its residents from harms to their own and
3 Washington's economic health.

4 **3.4** Washington's interest in preventing and remedying injuries to the public's health,
5 safety, and well-being extends to all of Washington's residents, including individuals who suffer
6 indirect injuries and members of the general public.

7 **3.5** The enforcement of minimum wage laws is of preeminent concern to the people of
8 Washington. The Legislature enacted minimum wage laws to protect Washington workers and
9 safeguard "the immediate and future health, safety and welfare of the people of the state." RCW
10 49.46.005(1).

11 **3.6** Washington set the below minimum wages for 2005-2017:

January 1, 2017	\$11.00	January 1, 2010	\$8.55
January 1, 2016	\$9.47	January 1, 2009	\$8.55
January 1, 2015	\$9.47	January 1, 2008	\$8.07
January 1, 2014	\$9.32	January 1, 2007	\$7.93
January 1, 2013	\$9.19	January 1, 2006	\$7.63
January 1, 2012	\$9.04	January 1, 2005	\$7.35
January 1, 2011	\$8.67		

16 See <http://www.lni.wa.gov/WorkplaceRights/Wages/Minimum/History/default.asp> (last visited
17 September 18, 2017).

18 **DEFENDANT**

19 **3.7** Defendant GEO is a for-profit business operating in Washington.

20 **3.8** Since 2005, Defendant GEO has owned and operated NWDC, which is located at
21 1623 E. J Street, Tacoma, Washington.

22 **3.9** NWDC is a private immigration detention center that has the capacity to house
23 approximately 1,575 individuals.
24
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1 **3.10** Defendant GEO contracts with U.S. Immigration and Customs Enforcement
2 (“ICE”) for the detention of adult civil detainees, who are awaiting resolution of their immigration
3 matters. GEO has contracted with ICE to provide this service at NWDC since 2005.

4 **3.11** GEO’s contract with ICE requires GEO to comply with state and local laws and
5 codes when it operates NWDC.

6 **IV. ALLEGATIONS**

7 **4.1** Defendant relies upon detainee labor to operate NWDC.

8 **4.2** Detainees perform a wide range of work at NWDC including preparing, cooking,
9 and serving food to the detainee population; operating NWDC’s laundry service; cleaning living
10 areas and bathrooms; and regularly painting walls and buffing floors.

11 **4.3** ICE’s 2011 Performance Based National Detention Standards require Defendant
12 to pay detainees at least \$1 per day for their labor.

13 **4.4** For most work detainees perform at NWDC, Defendant pays detainees \$1 per day
14 for their labor regardless of the number of hours worked.

15 **4.5** For some work detainees perform at NWDC, Defendants do not pay detainees \$1
16 per day, and instead “pay” detainees in snack food such as chicken, potato chips, soda, and/or
17 candy.

18 **4.6** Detainees are “employees” protected by Washington’s minimum wage laws.

19 **4.7** Defendant is an “employer” for purposes of Washington’s minimum wage laws.

20 **4.8** Defendant does not pay detainee workers the state minimum wage for work they
21 perform at NWDC.

22 **4.9** Since 2005, GEO receives and has received the benefit of having necessary
23 work done at NWDC without bearing the financial burden of paying the minimum wage to
24 those who perform such work.
25
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1 **V. FIRST CAUSE OF ACTION**

2 **(Violation of Washington's Minimum Wage Law)**

3 **5.1** Plaintiff realleges and incorporates by reference herein all the allegations of
4 paragraphs 1.1 through 4.9.

5 **5.2** RCW 49.46.020 requires every employer to pay the hourly minimum wage "to
6 each of his or her employees" who is covered by Washington's minimum wage laws.

7 **5.3** Detainees work for Defendant and perform many of the functions necessary to
8 keep NWDC operational including preparing and serving food to detainees, cleaning common
9 areas, and operating the laundry.

10 **5.4** Defendant pays detainees \$1 per day for work performed at NWDC.

11 **5.5** The current hourly minimum wage in Washington is \$11.00 per hour.

12 **5.6** Defendant violates RCW 49.46.020 when it pays detainees who work at NWDC
13 \$1 per day instead of the hourly minimum wage.

14 **VI. SECOND CAUSE OF ACTION**

15 **(Unjust Enrichment)**

16 **6.1** Plaintiff realleges and incorporates by reference herein all the allegations of
17 paragraphs 1.1 through 5.6.

18 **6.2** Defendant operates NWDC as a for-profit business.

19 **6.3** Defendant utilizes detainee labor to operate NWDC.

20 **6.4** Defendant does not pay adequate compensation to detainees for their work.

21 **6.5** Defendant benefits by retaining the difference between the \$1 per day that it pays
22 detainees and the fair wage that it should pay for work performed at NWDC.

23 **6.6** It is unjust for the Defendant to retain the benefit gained from its practice of failing
24 to pay adequate compensation to detainees for the work they perform at NWDC.

1 **VII. PRAYER FOR RELIEF**

2 Wherefore, the State of Washington prays that the Court:

3 **7.1** Declare that detainees who work at NWDC are “employees” as defined by RCW
4 49.46.010(3);

5 **7.2** Declare that Defendant is an “employer” of detainee workers at NWDC as defined
6 by RCW 49.46.010(4);

7 **7.3** Declare that Defendant and must comply with RCW 49.46.020 for work
8 performed by detainees at NWDC;

9 **7.4** Enjoin Defendant from paying detainees less than the minimum wage for work
10 performed at NWDC;

11 **7.5** Find and declare that Defendant has been unjustly enriched by its practice of
12 failing to adequately pay detainee workers for their labor at NWDC;

13 **7.6** Order Defendant to disgorge the amount by which it has been unjustly enriched;

14 **7.7** An award of reasonable attorneys’ fees and costs that the State incurs in
15 connection with this action; and

16 **7.8** Award such additional relief as the interests of justice may require.

17 DATED this 20th day of September 2017

18 ROBERT W. FERGUSON
19 Attorney General

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